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ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			ART UNIT 2661	PAPER NUMBER

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/773,245

Applicant(s)

HAMELEERS ET AL.

Examiner

Ian N Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 9-24-2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1-23 are canceled, and new claims 24-41 are added.
2. Claim objections, on claims 13 and 14 are withdrawn since the claims are cancelled.
3. Claim rejection under 35 USC 112 second paragraph, on claims 1 and 9 are withdrawn since the claims are cancelled.
4. New claims 24-41 are rejected by the new ground(s) of rejection necessitated by the amendment.

### ***Claim Rejections - 35 USC § 112 – First Paragraph***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 26,27,29, and 33-36 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner was unable to find the disclosures regarding the following limitations anywhere in the specification.

- a. “ignoring frame headers received from the packet switched network” (Claim 26, line 3; claim 29, line 3; )

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- b. “ignoring frame headers received from the circuit switched network” (Claim 27, line 3; claim 34, line 3)
- c. “ignoring frames received from the packet switched network” (claim 33, line 4; claim 36, line 3)
- d. “ignoring frames received from the circuit switched network” (Claim 34, line 3; claim 35, line 4)

***Claim Rejections - 35 USC § 112 – Second Paragraph***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 24-29 and 37-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 24** recites the limitation “**the** data rate” in 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites, “**examining frames** <sub>A</sub> received from the circuit switched network into **frames** <sub>B</sub>” in line 4. It is unclear whether frames (labeled A) is the same as frames (labeled B).

**Claim 37** recites the limitation “**the** data rate” in 11. There is insufficient antecedent basis for this limitation in the claim.

**Claim 38** recites, “discarding the current frame ignores frames” in line 3. It is unclear whether the current frames are “discarded” or “ignored”.

**Claims 25-29 and 39-41** are also rejected since they are depended upon above rejected claims.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 24, 26, 27, 29-31, 33, 34, 36, 37, 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barany (U.S. 6,434,140) in view of Mallory (U.S. 6,335,933).

**Regarding claim 24**, Barany discloses a method for transferring user data information between a circuit switched network (FIG. 2, BSS 202/208, MSC/G-MSC 203, PSTN gateway 212, and PSTN (see FIG. 4, PSTN 419)) and a packet switched network (see FIG. 2, BSS 202/208, GPRS 206, PDN/IP network 214 or 211), wherein the circuit switched network is coupled with the packet switched network by an interface (see FIG. 2, a combined interface of BSS 202/208, MSC/G-MSC 203, Media gateway 213) that includes a media gateway (see FIG. 2, Media gateway 213), the method comprising the steps of:

transferring the user data information (see FIG. 2, MS 201/207) between the networks via the interface (see col. 4, lines 21-39; the MS 201/207 information is send via the interface);

processing the user data information into frames (see FIG. 2, BSS 202 or 208 process the MS information to the packet/frames in order to determine the barrier service; see col. 4,

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lines 24-39), each frame comprising a header (see col. 2, lines 49-60; XoIP frame must contain the header).

Barany does not explicitly disclose checking the header of each frame for a frame type identifier and a receive sequence number; detecting the frame type identifier in a current frame; determining whether the receive sequence number of the current frame is equal to a receive sequence number of a previous frame having the same frame type identifier; and if so, discarding the current frame to decrease the data rate.

However, the above-mentioned claimed limitations are taught by Mallory. Mallory discloses transferring the user data information (see FIG. 1, AP "X or "Y" data; or FIG. 3, sender data) between the networks (see FIG. 1 or 3, System A and System B) via the interface (see FIG. 1, Physical transmission media; see col. 1, lines 10-26; see col. 5, lines 9-25);

processing the user data information into frames (see FIG. 1 BITS frame; see FIG. 3, outgoing frame), each frame comprising a header (see FIG. 3, network layer, data link layer; see col. 1, lines 10-26; see col. 5, lines 9-25);

checking the header of each frame (see FIG. 10, S1, S2, check frame) for a frame type identifier (see Mallory col. 6, lines 21-50; Table 1; Ethernet type label, LARQ label, NAC label; see FIG. 10, S2, LARQ frame? NACK frame?) and a receive sequence number (see Mallory col. 6, lines 21-50; Table 1; sequence number; see FIG. 10, new sequence number?; see Mallory col. 9, lines 20-39);

detecting the frame type identifier in a current frame (see Mallory FIG. 10, S2 yes, New sequence number?; see Mallory col. 9, lines 30-35, 50-52; when the frame type is LARQ frame);

determining whether the receive sequence number of the current frame is equal to a receive sequence number of a previous frame having the same frame type identifier (see Mallory FIG. 10, Duplicate or too old?; see col. 9, lines 50-54; determine whether the current frame sequence number duplicates previously received sequence number); and

if so (see FIG. 10, Duplicate YES), discarding the current frame (see Mallory FIG. 10, S10, drop frame) to decrease the data rate (see Mallory col. 2, lines 52-59; to reduce the rate or minimize the bandwidth/resources).

In view of this, having the system of Barany and then given the teaching of Mallory, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Barany, for the purpose of providing detecting frame type and sequence number and dropping the duplicate frames, as taught by Mallory, since Mallory states the advantages/benefits at col. 2, lines 50-60 that it would reduce effective frame lost rates and delays with minimal cost in terms network bandwidth and host resources. The motivation being that by dropping the duplicate frames, it increases the reliability while preserving the low-latency.

**Regarding claims 30 and 37,** Barany discloses a system for transferring user data information between a circuit switched network (FIG. 2, BSS 202/208, MSC/G-MSC 203, PSTN gateway 212, and PSTN (see FIG. 4, PSTN 419)) and a packet switched network (see FIG. 2, BSS 202/208, GPRS 206, PDN/IP network 214 or 211), wherein the circuit switched

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network is coupled with the packet switched network by an interface (see FIG. 2, a combined interface of BSS 202/208, MSC/G-MSC 203, Media gateway 213) that includes a media gateway (see FIG. 2, Media gateway 213), the system comprising:

a base transceiver station (see FIG. 2, BSS 202 or 208) for transmitting and receiving user data information (see FIG. 2, MS 201/207) from and to a terminal connected to the circuit switched network (see FIG. 2 and FIG. 4, a terminal connected to the PSTN (i.e. other MS or POTS line)); see col. 5, lines 34-45;

means for transferring the user data information (see FIG. 2, MS 201/207) between the networks via the interface (see col. 4, lines 21-39; the MS 201/207 information is send via the interface);

means for processing the user data information into frames (see FIG. 2, BSS 202 or 208 process the MS information to the packet/frames in order to determine the barrier service; see col. 4, lines 24-39), each frame comprising a header (see col. 2, lines 49-60; XoIP frame must contain the header).

Barany does not explicitly discloses means for checking the header of each frame for a frame type identifier and a receive sequence number; means for detecting the frame type identifier in a current frame; means for determining whether the receive sequence number of the current frame is equal to a receive sequence number of a previous frame having the same frame type identifier; and means for discarding the current frame if the frame type identifier and the receive sequence number are the same.

However, the above-mentioned claimed limitations are taught by Mallory. Mallory discloses means for transferring the user data information (see FIG. 1, AP "X or "Y" data; or



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FIG. 3, sender data) between the networks (see FIG. 1 or 3, System A and System B) via the interface (see FIG. 1, Physical transmission media; see col. 1, lines 10-26; see col. 5, lines 9-25);

means for processing the user data information into frames (see FIG. 1 BITS frame; see FIG. 3, outgoing frame), each frame comprising a header (see FIG. 3, network layer, data link layer; see col. 1, lines 10-26; see col. 5, lines 9-25);

means for checking the header of each frame (see Mallory FIG. 10, S1, S2, check frame) for a frame type identifier (see Mallory col. 6, lines 21-50; Table 1; Ethernet type label, LARQ label, NAC label; see FIG. 10, S2, LARQ frame? NACK frame?) and a receive sequence number (see Mallory col. 6, lines 21-50; Table 1; sequence number; see FIG. 10, new sequence number?; see Mallory col. 9, lines 20-39);

means for detecting the frame type identifier in a current frame (see Mallory FIG. 10, S2 yes, New sequence number?; see Mallory col. 9, lines 30-35, 50-52; when the frame type is LARQ frame);

means for determining whether the receive sequence number of the current frame is equal to a receive sequence number of a previous frame having the same frame type identifier (see Mallory FIG. 10, Duplicate or too old?; see col. 9, lines 50-54; determine whether the current frame sequence number duplicates previously received sequence number); and

means for discarding the current frame (see Mallory FIG. 10, S10, drop frame) if the frame type identifier and the receive sequence are the same (see FIG. 10, LARQ frame? YES and Duplicate? YES; see col. 9, lines 32-56).

In view of this, having the system of Barany and then given the teaching of Mallory, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Barany, for the purpose of providing detecting frame type and sequence number and dropping the duplicate frames, as taught by Mallory, since Mallory states the advantages/benefits at col. 2, lines 50-60 that it would reduce effective frame lost rates and delays with minimal cost in terms network bandwidth and host resources. The motivation being that by dropping the duplicate frames, it increases the reliability while preserving the low-latency.

**Regarding claim 31**, Barany disclose wherein the base station (see FIG. 2, BSS 202 or 208) is coupled directly to the interface and the base station comprises the means for, responsive to receiving frames from the circuit switched network (see FIG. 2 and FIG. 4, a terminal connected to the PSTN (i.e. other MS or POTS line)); see col. 5, lines 34-45). Mallory discloses detecting the frame type identifier in a current frame (see Mallory FIG. 10, S2 yes, New sequence number?; see Mallory col. 9, lines 30-35, 50-52; when the frame type is LARQ frame);

determining whether the receive sequence number of the current frame is equal to a receive sequence number of a previous frame having the same frame type identifier (see Mallory FIG. 10, Duplicate or too old?; see col. 9, lines 50-54; determine whether the current frame sequence number duplicates previously received sequence number); and

if so (see FIG. 10, Duplicate YES), discarding the current frame (see Mallory FIG. 10, S10, drop frame) to decrease the data rate (see Mallory col. 2, lines 52-59; to reduce the rate or minimize the bandwidth/resources).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Barany as taught by Mallory for the same reason stated in Claim 30 above.

**Regarding claims 26 and 33**, Barany disclose wherein the interface is coupled directly to the base transceiver station (see FIG. 2, BSS x 202; or FIG. 4, BSS x 421), and wherein the base transceiver station comprises means for examining frames received from the circuit switched network (see FIG. 2, PSTN via media gateway; or see FIG. 4, PSTN 419) and ignoring frame received from the packet switched network (see FIG. 2, IP network 214; see col. 4, lines 20-30; see col. 5, lines 34-45; note that BSSx connects to PSTN via DMS-MSC 203; thus it is clear that it must examine voice or circuit switched data/frames to/from PSTN in the circuit switched mode, thereby ignoring/disregarding the frames/packets received to/from packet switched frames/packets). Mallory discloses processing of header received from the network as disclosed above in claim 24 and 30.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Barany as taught by Mallory for the same reason stated in Claim 30 above.

**Regarding claim 27 and 34**, the combined system of Barany and Mallory discloses examining frames received from the packet switched network as disclosed above in claims 24 and 30. Barany further disclose the media gateway Unit (see FIG. 2, Media Gateway MG 213) means for processing frames (see col. 4, lines 5-11) received from the packet switched network (see FIG. 2, IP network 214) and ignores frames received from the circuit switched network (see FIG. 2, PSTN via media gateway; or see FIG. 4, PSTN 419; see col. 4, lines 43-

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67; see col. 5, lines 22-45; note that in packet switching mode, MG process the packet/data/frames received from PDN/IP network 214; thus it is clear that while processing packet/frames to/from packet switched network, thereby ignoring/disregarding the frames/data received to/from circuit switched network).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Barany as taught by Mallory for the same reason stated in Claim 24 and 30 above.

**Regarding claim 29**, the combined system of Barany and Mallory discloses examining and processing of frames received from the packet switched network and circuit switch network as disclosed above in claim 30. Barany further disclose the examining current frames received from the circuit switched network (see FIG. 2, PSTN via media gateway; or see FIG. 4, PSTN 419) and ignoring a current frame received from the packet switched network (see FIG. 2, IP network 214; see col. 4, lines 20-30; see col. 5, lines 34-45; note that BSSx connects to PSTN via DMS-MSC 203; thus it is clear that it must examine voice or circuit switched data/frames to/from PSTN in the circuit switched mode, thereby ignoring/disregarding the frames/packets received to/from packet switched frames/packets). Mallory discloses the step of discarding the current frame received from the network as disclosed above in claim 24.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Barany as taught by Mallory for the same reason stated in claim 24 above.

**Regarding claim 36**, Mallory discloses discarding the current frame (see Mallory FIG. 10, S10, drop frame) resident in the station (see FIG. 3, Sender; see col. 9, lines 32-56) discard frames received from the network (see FIG. 3, a network between sender and receiver). Barany disclose the base station (see FIG. 2, BSS x 202; or FIG. 4, BSS x 421) examining frames received from the circuit switched network (see FIG. 2, PSTN via media gateway; or see FIG. 4, PSTN 419) and ignoring frame received from the packet switched network (see FIG. 2, IP network 214; see col. 4, lines 20-30; see col. 5, lines 34-45; note that BSSx connects to PSTN via DMS-MSC 203; thus it is clear that it must examine voice or circuit switched data/frames to/from PSTN in the circuit switched mode, thereby ignoring/disregarding the frames/packets received to/from packet switched network).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Barany as taught by Mallory for the same reason stated in Claim 30 above.

**Regarding claim 39**, Mallory discloses wherein the means for detecting the frame type identifier (see Mallory FIG. 10, S2 yes, New sequence number?; see Mallory col. 9, lines 30-35, 50-52), the means for determining the receive sequence number (see Mallory FIG. 10, Duplicate or too old?; see col. 9, lines 50-54; determine whether the current frame sequence number duplicates previously received sequence number) and the means for discarding the current frame ignores frames (see Mallory FIG. 10, S10, drop frame) from a packet switched network (see FIG. 3, a network between sender and receiver). Barany discloses the means for examining the current frame ignores frames from a connected packet switched network (see FIG. 2, IP network 214; see col. 4, lines 20-30; see col. 5, lines 34-45;

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note that BSSx connects to PSTN via DMS-MSC 203; thus it is clear that it must examine packet switched data/frames to/from IP network).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Barany as taught by Mallory for the same reason stated in Claim 37 above.

**Regarding claim 41**, Barany discloses a base transceiver station (see FIG. 2, BSS 202 or 208).

11. Claims 25,32 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barany in view of Mallory as applied to claims 24, 30 and 37 above, and further in view of Kaiyama (U.S. 5,616,210).

**Regarding claim 25, 32,38**, Mallory disclose wherein the frame identifier identifies the frame and discarding the frame as disclosed above in claims 24,30 and 37.

Neither Barany nor Mallory explicitly discloses wherein if identifies as an empty frame, discarding the empty frame automatically without determining the receive sequence number of the empty frame. However, the above-mentioned claimed limitations are taught by Kaiyama. In particular, Kaiyama teaches wherein if the frame type Identifier (see FIG. 2A, Address part 201) identifies an empty frame (see col. 12, lines 5-10; empty packet address part is set to "0"), discarding the empty frame automatically without determining the receive sequence number of the empty frame (see FIG. 6, step 43; see col. 12, lines 14-27; discard empty packet without determining the sequence number of the empty packet).

In view of this, having the combined system of Barany and Mallory, then given the teaching of Kaiyama, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Barany and Mallory, for the purpose of discarding empty packet without determining the sequence number, as taught by Kaiyama, since Kaiyama states the advantages/benefits at col. 10, lines 20-28 that it would provide different types of switches to be implemented using the same hardware configuration. The motivation being that by discarding the empty packets for different packet length producing switches, it can save the hardware design cost since all switches can be implemented with the same hardware.

12. Claims 28 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barany in view of Mallory as applied to claim 24 above, and further in view of Rasanen (U.S. 6,647,006).

**Regarding claim 28**, the combined system of Barany and Mallory discloses examining of frames received from the packet switched network as disclosed above in claim 24. Barany further discloses examining wherein the media gateway Unit (see FIG. 2, Media Gateway MG 213) processes frames received from the packet switched network (see FIG. 2, IP network 214; see col. 4, lines 43-67; see col. 5, lines 22-45; note that in packet switching mode, MG process the packet/data/frames received from PDN/IP network 214).

Neither Barany nor Mallory explicitly discloses a second means for discarding frames. However, the above-mentioned claimed limitations are taught by Rasanen. In particular, Rasanen teaches wherein the media gateway Unit (see FIG. 5, Inter-working

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Function unit, IWF, is the gateway unit) comprises a second means for discarding frames from the network (see FIG. 5, IWF comprises the fill data discarding means/station in order to discard the fill data; col. 7, line 50-64; see col. 8, lines 59-67).

However, the above-mentioned claimed limitations are taught by Rasanen. In view of this, having the combined system of Barany and Mallory, then given the teaching of Rasanen, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Barany and Mallory, for the purpose of providing discarding means/station/mechanism at the gate way unit, as taught by Rasanen, since Rasanen states the advantages/benefits at col. 3, lines 28-42 that it would provide not requiring any other changes at the radio interface or the network interface, nor does it restrict their further development in any way. The motivation being that by discarding the fill data that gateway IWF unit, it will reduce the packet processing at the radio and network interface while preparing the network for further development.

**Regarding claim 35**, the combined system of Barany and Mallory discloses processing of frames received from the packet switched network as disclosed above in claim 30. Barany further disclose processing wherein the media gateway Unit (see FIG. 2, Media Gateway MG 213) processes frames received from the packet switched network (see FIG. 2, IP network 214) and ignores frames received from the circuit switched network (see FIG. 2, PSTN via media gateway; or see FIG. 4, PSTN 419; see col. 4, lines 43-67; see col. 5, lines 22-45; note that in packet switching mode, MG process the packet/data/frames received from PDN/IP network 214; thus it is clear that while processing packet/frames to/from packet



switched network, thereby ignoring/disregarding the frames/data received to/from circuit switched network).

Neither Barany nor Mallory explicitly discloses a second means for discarding frames. However, the above-mentioned claimed limitations are taught by Rasanen. In particular, Rasanen teaches wherein the media gateway Unit (see FIG. 5, Inter-working Function unit, IWF, is the gateway unit) comprises a second means for discarding frames, wherein the second means for discarding frames is resident in the media gateway (see FIG. 5, IWF comprises the fill data discarding means/station in order to discard the fill data; col. 7, line 50-64; see col. 8, lines 59-67).

However, the above-mentioned claimed limitations are taught by Rasanen. In view of this, having the combined system of Barany and Mallory, then given the teaching of Rasanen, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Barany and Mallory, for the purpose of providing discarding means/station/mechanism at the gateway unit, as taught by Rasanen, since Rasanen states the advantages/benefits at col. 3, lines 28-42 that it would provide not requiring any other changes at the radio interface or the network interface, nor does it restrict their further development in any way. The motivation being that by discarding the fill data at gateway IWF unit, it will reduce the packet processing at the radio and network interface while preparing the network for further development.

13. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barany in view of Mallory, as applied to claim 37 above, and further in view of Rasanen'741 (U.S. 6,674,741).

**Regarding claim 40**, the combined system of Barany and Mallory disclose wherein transmission of user data as described above in claim 37.

Neither Barany nor Mallory explicitly discloses HSCSD (High Speed Circuit Switched Data) bearer services (see Rasanen'741 FIG. 1, TAF adapts the MS to established connection by using one or more HSCSD channels; see col. 4, lines 55-60).

However, the above-mentioned claimed limitations are taught by Rasanen'741. In view of this, having the combined system of Barany and Mallory, then given the teaching of Rasanen'741, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Barany and Mallory, for the purpose of providing HSCSD to the communication network, as taught by Rasanen'741, since Rasanen'741 states the advantages/benefits at col. 1, lines 41-52; to col. 6, lines 55-65 that it would provide higher transfer rate by splitting the high speed data traffic utilizing defined HSCSD service. The motivation being that by utilizing well-known defined HSCSD system, it will increase the network performance by increasing the transfer rate.

#### ***Response to Arguments***

14. Applicant's arguments with respect to claim 24-41 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N Moore whose telephone number is 571-272-3085. The examiner can normally be reached on M-F: 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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